

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 292

CASE NO. 79-6P

AUGUST 27, 1979

Pursuant to notice a public hearing of the District of Columbia Zoning Commission was held on June 21, 25, and 28, 1979. At these hearing sessions, the Zoning Commission considered an application from the Hillandale Development Corporation, lessee for the Archbold Investment Co., for preliminary approval of a Planned Unit Development (PUD) under Article 75 of the District of Columbia Zoning Regulations.

FINDINGS OF FACT

1. The site is a portion of the Archbold Estate, is located at 3905 Reservoir Road, N. W., comprises approximately 42.1 acres, and includes lots 9-13, and 19-23 in Sq. north of Sq. 1312, lots 14-18, 801-803, 805, 807, and 809 in the square south of Square 1312, lots 1-12, 802, 804, 809 and 810 in Square 1313, and lots 803-805 in Square 1320,
2. The site is zoned R-1-B. The applicant does not request a change of zoning.
3. The R-1-B District normally permits single-family detached dwellings with a minimum lot area of 5000 square feet; a minimum lot width of fifty feet, a maximum lot occupancy of forty percent, and a maximum height of three stories/forty feet. Under Section 7501 of the Zoning Regulations, the maximum floor area ratio for a PUD in an R-1-B District is 0.4, and the maximum height is forty feet.
4. The applicant proposes to develop 268 residential units including 238 new townhouses and twenty-eight new single family detached residences, to be grouped in residential clusters, together with the existing mansion and gatehouse. The latter two structures will be renovated for single family use. The proposed townhouses and detached houses

will be grouped around the site in individual clusters and will be constructed of brick, wood, and stucco. There will be a private yard and patio for each unit. Each dwelling unit will have its own front door either on a residential lane or on a landscaped pedestrian mews. For the most part, rear yards will be twenty-five feet or longer in depth. Recreation facilities will consist of two tennis courts, a swimming pool, walking and jogging trails and picnic areas. The open space system consists of the tree preservation area south and west of the mansion, the landscaped meadow, two ponds and the landscaped mews.

5. There are several existing structures on the site, including the two story, 300 foot long Archbold mansion, a swimming pool, an entrance gatehouse with access to Reservoir Road, stables and a number of out-buildings. There is a driveway to the mansion from Reservoir Road. A stucco wall along Reservoir Road and wire fences are located along the perimeter of the property.
6. Approximately seventy percent of the site is wooded. The lower portion of the site includes a meadow with a variety of fruit trees. The site is gently rolling terrain which gains elevation gradually, moving north from Reservoir Road toward Whitehaven Park. The low elevation of the site occurs at the southeast corner of the site near Reservoir Road and 39th Street. The high point of the site occurs in the north central portion of the site where the mansion is located and at the northeast portion of the site near Whitehaven Park. The major portion of the property is drained by two natural swales, one beginning near the center of the property at the north boundary and draining to the southeast into the city storm sewer system at 39th Street and Reservoir Road. A smaller drainage area in the northwest sector of the site drains by natural means toward Glover-Archbold Park.
7. The subject site is located north of the Georgetown University Medical Center and the 100 acre Georgetown University Campus. To the immediate east is the Burleith neighborhood which is comprised largely of well-maintained row- and semi-detached single-family dwellings. Along 39th Street, across from the lower portion of the site, is the ballfield for the Ellington High School for the Arts. To the north

of the subject site is the Whitehaven Park, a reservation of the U.S. Park Service. North of Whitehaven Park is the Glover Park neighborhood which consists of townhouses and garden apartments. To the west of the property is the site of the proposed French Chancery and the Glover-Archbold Park, another reservation of the U.S. Park Service. To the west of the Park are the residential neighborhoods of Foxhall Village, which consist of townhouses and detached homes, and Senate Heights, a neighborhood of detached homes. The predominant uses in the immediate area of the site are residential, institutional, and recreational. A commercial shopping area along Wisconsin Avenue is six blocks to the east of the site.

8. The subject site is zoned R-1-B. Georgetown University and the Georgetown residential community south of the site are zoned R-3. The Burleith community east of the site is zoned R-3; beyond that is the Wisconsin Avenue shopping area which is zoned C-2-A. The Glover Park community to the north of the site is zoned R-5-A and R-3. The Foxhall Village area is zoned R-3 and R-1-B. Senate Heights is zoned R-1-B. West of Glover-Archbold Park and north of Whitehaven Park, along Foxhall Road, the neighborhoods are zoned R-1-A.
9. The applicant proposes to develop the property under a multiple building covenant as provided in Section 106 of the Building Code of the District of Columbia. Individual assessment and taxation lots will be sold to purchasers who will acquire a fee simple interest in a lot which will include a building with parking space below and a rear yard. The balance of the property will be owned in common by the residents of the development and will be managed by a homeowners' association. All streets, sidewalks, parking areas and utilities within the property will be private. All services such as trash collection, snow removal, maintenance of streets and sidewalks, maintenance of forest areas and landscaped areas will be managed and paid for by the homeowners' association.
10. The applicant has applied to the Executive Branch of the District of Columbia Government for administrative review of the site plan under the Mayor's Large Tract Development Review Process (Mayor's Order No. 78-58). In addition, the applicant has applied to the D. C. Surveyor for the closing and transfer to the applicant of certain dedicated but unbuilt

streets and alleys along the eastern boundary of the property. Following removal of these streets and alleys from the Highway Plan, the applicant will apply for a re-subdivision of the property to a single lot of record in order to remove the thirty-eight platted lots which bear no relationship to the site plan involved in this application.

11. Under Section 2.485 of the Rules of Practice and Procedure of the D.C. Zoning Commission, the applicant is required to post the subject property forty days in advance of the hearing. Inadvertently, the property was posted on a Monday instead of a Saturday resulting in a thirty-eight day posting period. On June 21, 1979 at the public hearing, the Commission granted the applicant's request for a waiver of the posting requirements recognizing that no one had indicated that harm had been done, and the extensive notice that had been provided of this application through a variety of means: pre-filing notice mailed to all property owners within 200 feet and to the Advisory Neighborhood Commission and through frequent meetings with the Burleith Citizens Association and other groups and individuals.
12. The applicant, by testimony presented at the public hearing indicated that the site was suitable for a PUD in lieu of matter-of-right development, which could yield a maximum of 285 dwelling units. Testimony also indicated that the mansion and the gatehouse were of sufficient architectural quality, to make their preservation desirable.
13. Twenty-eight detached houses will be located at the northern perimeter of the site adjacent to and set back generally a minimum of thirty feet from the Whitehaven Park.
14. The overall density of the proposed development is a floor area ratio (FAR) of 0.40 and a lot occupancy of twenty-one percent. No building will exceed forty feet in height. A maximum of 770 and a minimum of 740 parking spaces will be provided. Garage parking for residents will be provided at the rate of approximately two cars per unit. Visitor parking in surface spaces adjacent to the clusters will be provided at a rate of approximately .5 spaces per unit. A third category of parking, overflow visitor parking, will be provided along the main roadway at the rate of approximately .37 spaces per unit. This parking will be available in the case of several parties or other simultaneous major events requiring additional parking.

15. The applicant testified that a majority of the units will be included in residential clusters and will be built on parking decks. Access to most garage spaces below the units will be provided through a travel lane. The travel lane will be covered by a deck which also serves as a landscaped plaza or mews in front of the residential units. The site is adjacent to an arterial road and a collector street and the site plan will be developed to avoid adverse traffic impact on nearby residential streets. The site is bounded by parkland to the north and to the west,
16. The vehicular circulation plan will be more compact, efficient, and economical than it would be if the site were developed under conventional zoning. The clustering of residential units allows for the preservation of much of the existing vegetation on the site and minimizes the extent of grading that would be required, as compared to a matter-of-right subdivision. Clustering also allows for landscaped set backs along 39th Street, Whitehaven Park and Glover-Archbold Park and the French Chancery. The open spaces provided within the tract by the cluster development pattern will provide a residential and visual amenity for the approximately 800 prospective residents of the Hillandale community. Pedestrian and vehicular circulation will be separated. No through-traffic will pass through the project,
17. Access to the project will be provided through a single driveway located approximately 100 feet south of S Street and 500 feet north of the intersection of 39th Street and Reservoir Road, N.W. Emergency access will be provided through the main drive and, in the case of a blockage of the main roadway, through an emergency-only entrance at the north end of 39th street on the eastern edge of the property.
18. The applicant, by testimony presented by its traffic expert, indicated that there would be no adverse impact on the traffic circulation in the area due to the proposed development. The applicant, however, recommended the signalization of the intersection of 39th Street and Reservoir Road as well as a signal at the emergency entrance to the hospital, to avoid traffic blocking that intersection. The applicant offered to pay for the installation of the traffic signals at these intersections. The applicant further recommended channelization of the entrance of the site on 39th Street to discourage left turns by automobiles exiting the site.

19. The applicant, by testimony presented at the hearing, identified its resolution of problems affecting issues relative to storm water management, construction erosion control, permanent drainage, utility plans, energy conservation, tree and wildlife preservation, siting and landscaping, anticipated student population, security control, and environmental impact. The Commission notes the various proposals by the applicant relative to these issues but finds that the final application would be the appropriate time to resolve those details.
20. To meet citizen concerns, the applicant modified its plan at the hearing to provide a fifteen foot common area buffer along 39th St., to the north of the main vehicular entrance, and a fifteen foot tree preservation area within the rear yards of homes along 39th Street south of the main vehicular entrance. The buffer area north of the main vehicular entrance and the twenty-five foot rear yards adjacent to the buffer area result in a forty foot set back from the property line on the east perimeter, north of the entrance drive. Along 39th Street property for the entire length of the property there is an additional area of fifteen feet in public space between the property line and 39th Street. Therefore, the total visual buffer north of the main vehicular entrance will be fifty-five feet. South of the main vehicular entrance, the total visual buffer will vary depending on the exact location of buildings in the Georgetown cluster to be sited during the Final processing of the PUD application, but in general will be forty-five feet or more.
21. Following the public hearing and before the close of the record, the applicant submitted a modified site plan which provides a minimum set back of thirty feet of common open space between the western property line adjacent to Glover-Archbold Park and the rear yards of the Parkside Cluster. The Parkside Cluster homes will be a minimum of sixty feet from the Park property line.
22. The Office of Planning and Development, by report dated June 18, 1979, and by testimony at the hearing, recommended that the Zoning Commission approve the preliminary application for a planned unit development for the following reasons:
 - (a) This project is an example of the type of private development which can make a significant contribution to the liveability of Washington. The applicant's genuine concern for environmental quality and the minimization of adverse impacts on neighboring properties is commendable.

(b) The application is consistent with the intended purposes of the planned unit development process.

(c) The site in question is suitable for planned unit development and the PUD process is an appropriate method for controlling development of the site.

(d) The proposed development would not have unmanageable negative neighborhood impacts or environmental consequences.

(e) The project provides an attractive urban design, desired open spaces, efficient and economical land uses and would be consistent with city plans and policies.

The Commission concurs with the reasoning of the OPD. The OPD recommended that certain standards, guidelines and conditions, be applied to the approval.

23. The D.C. Department of Transportation (DCDOT) by memorandum dated June 25, 1979, to the Office of Planning and Development, and by testimony presented at the public hearing, raised no objection to the proposed development in terms of traffic and transportation impacts and policy. The D.C. DOT report approved the single entrance to be located approximately 100 feet south of S Street and the use of 39th Street as a collector. D.C. DOT also approved the emergency-only entrance at the north of 39th Street. The Commission concurs with the findings of the DCDOT.
24. The D.C. DOT did not endorse a specific design for the single entrance on 39th Street but recommended that the Commission consider approval of the design concept with the stipulation that a plan be developed to the satisfaction of the Department in the PUD final process. The Department withheld endorsement of a proposal by the applicant and the Burleith Citizens Association to make 39th Street one way north between the access road and S Street. The Department consented to the installation of a traffic signal at 39th Street and Reservoir costs of the equipment installation and annual maintenance cost. The Department stated that the Georgetown Medical Center emergency entrance could be controlled by signs rather than by a signal. The Department further found sufficient traffic capacity on Reservoir Road and at critical intersections to accommodate the development. The Department noted that the critical intersection is Reservoir Road and 35th Street, where several measures can be employed for improving traffic conditions. The Commission concurs with the findings and positions of the DCDOT.

25. The Fire Department, through report of the Office of Planning and Development, indicated that it had no objection to the proposed development, that it had been consulted during the preliminary processing and expected to be consulted for the final processing of this application.
26. The D.C. Department of Environmental Services by memorandum dated June 6, 1979 to OPD and by reference in the OPD report indicated no appreciable adverse impacts would result from the proposed development. The Department stated that water and sewer systems are adequate and requested a set of final drawings and hydraulic computations for review prior to construction. DES further concluded that no long term negative impact on air and noise quality levels in the surrounding area will result from the development and stated that solid waste collection and disposal activities will not be significantly impacted. Adequate capacity exists to handle the additional solid wastes that will be generated by the proposal. The Commission so finds.
27. The D.C. Department of Recreation, by memorandum dated May 25, 1979 and by reference in the OPD report, concluded that the proposed development is generally consistent with the District's open space and recreation policies as defined in the Comprehensive Recreation Plan. The Commission so finds.
28. The Department of Housing and Community Development, by memorandum dated May 30, 1979 and by reference in the OPD report, recommended favorable action by the Zoning Commission in granting approval of the PUD application. The Department concluded that the land will be utilized efficiently and economically and endorsed the steps that have been taken to protect the environment. The Department stated that the proposal is consistent with District-wide objectives to provide more opportunities for home ownership. The Commission so finds.
29. The D.C. Public School System, by memorandum dated June 14, 1979, to the Office of Planning and Development, determined that there should be no adverse impact on schools in the immediate area as a result of the project. The Commission so finds.
30. Advisory Neighborhood Commission 3-B appeared in opposition to the application and stated the following points in opposition:

- (a) The project does ~~not~~ include housing for low and moderate income families;
- (b) The city lacks a comprehensive plan;
- (c) There is a need to prevent obstruction of the emergency exit of Georgetown University Hospital;
- (d) There is a need for inspections to enforce the site plan concerning tree preservation and grading;
- (e) Access to the project should not be limited;
- (f) The city government failed to comment on the suitability of the applicant's proposed development;
- (g) The buffer along the Whitehaven Park side of the project should be ~~extended~~ another fifteen feet.

The ANC stated that the applicant had provided ample opportunity for community review and discussion.

31. The Commission has given serious consideration and great weight to the issues raised by the ANC. As to the ANC concern about obstructing the University entrance, the applicant has proposed to pay for the cost of a traffic signal at that intersection. Instead of a signal, the D.C. Department of Transportation has agreed to the erection of a sign to prohibit blocking the driveway. These measures should prevent blocking the hospital entrance. As to supervision of the development to avoid unnecessary tree cutting and grading, the final site plan approved by this Commission will state areas of preservation and will define the extent of grading permitted. D.C. Inspection officials will be charged with enforcement of the PUD plan as approved by the Commission. As to other ANC concerns, the Commission finds that the northern perimeter buffer of thirty feet is adequate to protect the adjacent Whitehaven Park since the homes will not be visible from the Park. As to the comprehensive plan issue, the Commission finds that the lack of the comprehensive plan as envisioned in the Home Rule Act is not a bar to the consideration and disposition of this case. In fact, the D.C. Court of Appeals has ruled that; at present, the Zoning Regulations and Maps are the comprehensive plan for this city, pending preparation and adoption of a Comprehensive Plan in accordance with the requirements of the Home Rule Act.

The Commission finds that there is no legal or zoning requirement that low and moderate income housing be located on this site, that controlled access for security is not unreasonable, and that the city government has reviewed and commented in great detail on the applicant's plan.

32. The Burleith Citizens Association, a party in the case, testified in support of the application. The Association listed the concerns it had addressed to the applicant in the planning process. It stated that these concerns have been resolved by the applicant in an agreement signed by the applicant and the Association which called for several modifications in the plan which the applicant submitted at the hearing. The Association leaders further stated their willingness to continue working with the developer during the final PUD process. The Association leaders stated that the applicant's modifications in the plan have significantly lessened the potential impact of the project on their community.
33. The Georgetown University, a party in the case, indicated no objection to the project. A letter stating no objection by the University was introduced into the record. The University expressed concern that if a signal were erected at 39th Street and Reservoir Road, traffic would back up and block the driveway to the hospital parking garage and emergency entrance. The University urged that consideration be given to installing a traffic signal at the emergency entrance, or at least that the intersection be wired for the installation of such a signal should the Department of Transportation object to the signal and approve only a sign controlling the hospital driveway.
34. Persons at the hearing gave testimony identifying concern for housing development being sited too close to the parks. The Parkside Cluster drew particular attention. The Commission finds that the applicant has addressed this concern in its revised siting of the Parkside Cluster, as identified in the case record as Exhibit #111.

CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling development of the subject site, since control of the use and site plan is essential to insure compatibility with the neighborhood.
2. The development of this PUD carries out the purposes of Article 75 to encourage the development of well-planned residential development which will offer a variety of building types with more attractive and efficient overall planning and design without sacrificing creative and imaginative planning.
3. Approval of the application would be consistent with the purposes of the Zoning Act.
4. The proposed application can be approved with conditions which would insure that development would not have an adverse effect on the surrounding community.
5. The approval of the application would promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Maps of the District of Columbia.
6. The Zoning Commission has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Facts and Conclusions of Law herein, the Zoning Commission hereby orders approval of the preliminary application for a planned unit development for lots 9-13 and 19-23 in sq. north of sq. 1312, lots 14-18, 801-803, 805, 807 and 809 in the square south of Square 1312, lots 1-12, 802, 804, 809, and 810 in Square 1313, and lots 803-805 in Square 1320; located at 3905 Reservoir Road, N. W. and subject to the following guidelines, conditions, and standards.

1. The Planned Unit Development shall be developed under the existing R-1-B District.
2. The overall density of the planned unit development shall not exceed a floor area ratio of 0.4. The maximum number of dwelling units shall not exceed 268.

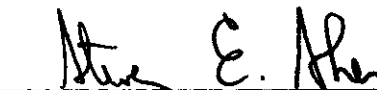
3. The maximum height of any building shall not exceed forty feet.
4. The overall lot occupancy for the planned unit development shall not exceed twenty-one percent. The percentages of land devoted to undisturbed areas, open space and landscaped areas shall be in accordance with testimony and documentation received during public hearings on this application.
5. Use of the property shall be limited to residential dwellings consisting of approximately 163 row, sixty-eight semi-detached and thirty-seven detached single family units and may also include other buildings and structures accessory and incidental to the main use of the property, including recreational and storage facilities.
6. A minimum of one off-street parking space shall be provided for each dwelling unit, with a maximum of 770 off-street parking spaces for the total project. Vehicular access shall be provided by a single entrance on 39th Street. A separate emergency entrance shall be provided north of the main entrance on 39th Street. Such emergency entrance shall be designed in accordance with standards appropriate to the D.C. Fire Department and D.C. Department of Transportation.
7. The final design of the project shall be based on the plans submitted as part of the first stage application, and the revisions thereto, including the revisions to the "Parkside Cluster" marked as Exhibit No. 111 of the record.
8. The stage II application shall include architectural and landscape plans for individual clusters and units. An overall landscape plan, depicting undisturbed areas, trees to remain, and buffer strips, shall be submitted.
9. The stage II application shall include site plans depicting the permanent location, and erosion control measures, for the "Parkside Cluster."
10. The stage II application shall reflect the concerns of the National Park Service regarding site plans, stormwater runoff, sedimentation and erosion control features.
11. The stage II application shall depict traffic control measures to be employed, including proposed modifications to public streets, signalization and other features, in accordance with the recommendations of the D.C. Department of Transportation. The applicant shall also provide the

wiring and equipment for a traffic signal to be located at the Georgetown University Medical Center emergency entrance on Reservoir Road, to enable a traffic light to be put into operation if and when deemed necessary by the Department of Transportation. The applicant shall bear the cost of modifications to public streets, signalization and other such features.

12. The stage II application shall include sample covenants including proposed architectural and site plan reviews and building restrictions for the fee simple lots adjacent to Whitehaven Parkway.
13. No site grading or other change in the existing character of the property, including removal of existing trees or vegetation, shall take place prior to approval of the detailed site and landscaping plans by the Zoning Commission in Stage II.

Vote of the Commission taken at the public meeting of August 9, 1979 5-0 (Walter B. Lewis, Theodore F. Mariani, George M. White, and Ruby B. McZier, to approve with conditions; John G. Parsons, to approve by proxy).


RUBY B. MCZIER
Chair
Zoning Commission


STEVEN E. SHER
Executive Director
Zoning Secretariat

This order was adopted by the Zoning Commission at its public hearing held on August 27, 1979 by a vote of 4-0 (George M. White, John G. Parsons, and Walter B. Lewis to adopt, Ruby B. McZier to adopt by proxy, Theodore F. Mariani not present, not voting).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final 28 AUG 1979.